

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

STUDENTS FOR FAIR ADMISSIONS,
INC.,

Plaintiff,

v.

UNIVERSITY OF NORTH CAROLINA, et
al.,

Defendants.

Civil Action No. 1:14-cv-954-LCB-JLW

**PLAINTIFF’S UNOPPOSED MOTION
FOR EXTENSION OF FILING DEADLINE**

Plaintiff Students for Fair Admissions, Inc. (“SFFA”) respectfully moves that the Court extend the deadline for its motion for statutory attorneys’ fees. SFFA previously obtained an extension of this deadline in order to afford the parties an opportunity to resolve the remaining issues in this case without further litigation. The parties continue to engage in good faith negotiations towards that end, and SFFA seeks a further extension of the deadline for its motion.

In support of this motion, SFFA states as follows:

1. On November 4, 2021, the Court entered a judgment in this proceeding in favor of Defendants.
2. On December 30, 2021, the Court entered an Order tolling “the deadline for any motion for attorneys’ fees” in this action “until 60 days after the final conclusion of all appellate proceedings.” Dkt. 263.
3. On June 29, 2023, the Supreme Court of the United States issued a judgment reversing the judgment of this Court.

4. On July 31, 2023, the Supreme Court of the United States transmitted a certified copy of its judgment to the Court of Appeals for the Fourth Circuit. Dkt. 269.

5. The Fourth Circuit issued its mandate on August 1, 2023. Dkt. 271.

6. As prevailing party, Plaintiff SFFA is entitled to recover its reasonable attorneys' fees. 42 U.S.C. § 1988(b).

7. Because the parties have not litigated and the Court has not ruled on potential remedies, Plaintiff's position is that there may still be a need for further proceedings in this Court.

8. The parties have been working and continue to work together in good faith in the hopes of resolving this action in its entirety, without further litigation.

9. Affording the parties sufficient time to try to resolve this action without further litigation would promote judicial economy and conserve court and party resources.

10. Good cause thus exists for the Court extend the deadline for any motion for attorneys' fees.

11. Plaintiff respectfully requests that the Court extend the deadline for any motion for attorneys' fees to November 30, 2023.

12. Counsel for SFFA has consulted with counsel for Defendants and Intervenor about this motion. Defendants reserve their right to contest Plaintiff's claim of entitlement to fees and otherwise oppose a fee petition and/or further proceedings. However, Defendants and Intervenor do not oppose the requested extension of time.

For the foregoing reasons, the Court should grant the motion and extend the briefing deadline until November 30, 2023.

Dated: October 16, 2023

Respectfully submitted,

/s/ Thomas R. McCarthy

Thomas R. McCarthy
J. Michael Connolly
Cameron T. Norris
Bryan Weir
James F. Hasson
CONSOVOY MCCARTHY PLLC
1600 Wilson Blvd., Ste. 700
Arlington, VA 22209
(703) 243-9423
tom@consovoymccarthy.com

Patrick Strawbridge
CONSOVOY MCCARTHY PLLC
Ten Post Office Square
8th Floor South PMB #706
Boston, MA 02109

*Counsel for Plaintiff Students for Fair
Admissions, Inc.*

CERTIFICATE OF SERVICE

On October 16, 2023, I electronically filed the foregoing motion, which will notify all counsel of record.

/s/ Thomas R. McCarthy